

KINGMAN FIELD OFFICE SCOPING FORM

Proposal: 2014 Black Mountain Herd Management Area (BMHMA) Burro Population Estimate, Mohave County, Arizona.

DOI-BLM-AZ-C010-2014-0023-DNA _____

S:/BLMshare: WH&B\herd management areas/Black Mountain HMA, population estimate /2014

NEPA Document Number _____

RMP Implementation No. _____

Document Location _____

Land Description: Land Description: Black mountain HMA from Interstate 40 on the south, Hoover Dam on the North, Colorado River on the west and Interstate 40 and Highway 93 on the east.

Applicant: Chad Benson

Authorization: _____

INVOLVEMENT: Indicate in the left column which disciplines need to provide information into the EA.

Needed Input (X)	Discipline	Signature
	Lands	
	Minerals	
X	Range	/s/ Michael Blanton
X	Wild Horse and Burro	/s/ Chad Benson
X	General Recreation	/s/ Matt Driscoll
X	Cultural and Paleontological Resources	/s/ Tim Watkins
X	Wilderness	/s/ Matt Driscoll
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife	/s/ Rebecca Peck
X	Threatened and Endangered Plants and Animals	/s/ Rebecca Peck
X	Migratory Birds	/s/ Rebecca Peck
	Surface Protection	
	Hazardous Materials	
X	Areas of Critical Environmental Concern	/s/ Rebecca Peck
	Visual Resources	
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: /s/ Chad Benson _____

Date: 03/24/2014 _____

Environmental Coordinator: /s/ John Reid _____

Date: 03/24/2014 _____

Field Manager: /s/ Ruben Sanchez _____

Date: 03/24/2014 _____

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Kingman Field Office

NEPA DOCUMENT NUMBER: DOI-BLM-AZ-C010-2014-0023-DNA

PROPOSED ACTION TITLE/TYPE: 2014 Black Mountain Herd Management Area (BMHMA) Burro Population Estimate

LOCATION/LEGAL DESCRIPTION: Black Mountain Herd Management Area (Attachment 3)

APPLICANT (if any): Bureau of Land Management, Kingman Field Office.

A. Description of the Proposed Action and any applicable mitigation measures:

Conduct a low level aerial wild burro population survey (helicopter) of the BMHMA and surrounding area from April 24th through the 30th, 2014

Survey Method

The BLHMA will be surveyed utilizing a modified simultaneous double count method. Line transects will be flown utilizing a helicopter on north south longitude intervals every .5 miles. Line transects will be flown below 2000 ft. AGL at speeds approximately 50 mph.

B. Land Use Plan (LUP) Conformance

LUP Name: *Kingman Resource Management Plan/EIS*

Date Approved: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Horse & Burro 02/VIC

Wild horse and burro management on public lands requires maintenance of a herd inventory, habitat monitoring and the removal and placement of excess animals to the public for adoption (Page 86).

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Final Black Mountain Ecosystem Management Plan and Environmental Assessment, April 1996: The proposed action described in this DNA above is the same as described in the 1996 Plan and EA. PG 49, objective 5 and appendix 9 covers Wild Horse and burro flight procedures over designated wilderness areas.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, the proposed action is covered in the Final Black Mountain Ecosystems Management Plan and Environmental Assessment (BMEP), April 1996. In conformance with the BMEP population surveys are scheduled every three years allowing a maximum of 50 hours of flight time over designated wilderness. For the purpose of this survey 50 hours will be flown total with less than 20 hours being spent over wilderness.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes, the range of alternatives was adequate

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, the circumstances surrounding the past analysis still apply and there are no new resource issues.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the proposed action has not changed from the preferred alternative described in the BMEP. The process used in the documentation is the agency standard for this type of action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, the BMEP was prepared by interdisciplinary team of BLM specialists with contributors from the Arizona Desert Bighorn Sheep Society, National Park Service, Mohave County Livestock Association, National Park Service, International Society for the Protection of Mustangs and Burros, Mohave Sportsman Club, Sierra Club, National Park Service, and the Arizona Game and Fish Department. The plan was approved by the State Director of the BLM, the Superintendent of the Lake Mead National Recreation Area and the Director of the Arizona Game and Fish Department.

The BMEP and EA were sent out for comment to over 500 members of the public and other agencies.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
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<u>Rebecca Peck</u>	<u>Wildlife Biologist</u>	<u>BLM</u>
<u>Don McClure</u>	<u>Assistant Field Manager</u>	<u>BLM</u>
<u>Chad Benson</u>	<u>Wild Horse and Burro Specialist</u>	<u>BLM</u>
<u>Mike Blanton</u>	<u>Range Conservationist</u>	<u>BLM</u>
<u>Celeste Mimnaugh</u>	<u>Range Conservationist</u>	<u>BLM</u>
<u>Trevor Buhr</u>	<u>Habitat Program Manager</u>	<u>AGFD</u>
<u>Matt Driscoll</u>	<u>Recreation Planner</u>	<u>BLM</u>

References

Bureau of Land Management 1995. Kingman Resource Area resource management plan and final Environmental Impact Statement, Kingman, Arizona.

Bureau of Land Management 1996. Black Mountain Ecosystem Management Plan and Environmental Assessment. Kingman Field Office, Kingman, Arizona.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of the NEPA.

There is a potential for conflict with wilderness users, but it is unlikely as the survey methods are very short in duration in a concentrated area. The inventory will also be completed during warmer weather lowering the probability of wilderness resource or visitor conflicts. An accurate herd count is a key contribution, to better wild burro management and managed range conditions within the wilderness, with a reduced potential for weeds, and lessened effects on soils and vegetation.

/s/ Chad Benson
Signature of Project Lead
Chad Benson

3/24/2014
Date

/s/ John Reid
Signature of NEPA Coordinator
John Reid

03/24/2014
Date

/s/ Ruth Zimmerman
Signature of Supervisor
Ruth Zimmerman

03/25/2014
Date

/s/ Ruben Sanchez
Signature of the Responsible Official
Ruben Sanchez, Field Manager
Kingman Field Office

03/24/2014
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest and appeal under 43 CFR Part 4 and the program-specific regulations.

DECISION RECORD

NEPA Document Number: DOI-BLM-AZ-C010-2014-0023-DNA

Description of the Proposed Action:

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LUP Name: *Kingman Resource Management Plan/EIS* Approved: March 1995

Based on the analysis of potential environmental impacts contained in the attached Determination of NEPA Adequacy and as analyzed in the Black Mountain Ecosystem Management Plan (BLM 1996), I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

It is my decision to approve the action as proposed, with the following stipulations (if applicable).

/s/ Ruben Sanchez

Signature of the Responsible Official
Ruben Sanchez, Field Manager
Kingman Field Office

03/24/2014

Date

Attachment 1
DECISION MEMORANDUM

Black Mountain Herd Management Area Burro Population Estimate
(DOI-BLM-AZ-C010-2014-0023-DNA)

U.S. Department of the Interior
Bureau of Land Management
Kingman Field Office
2755 Mission Blvd
Kingman, AZ 86401

Approval and Decision

Based on a review of the project described in the attached Determination of NEPA Adequacy documentation and Kingman Field office staff recommendations, I have determined that the project is in conformance with the Kingman Resource Management Plan (approved March 1995) and Black Mountain Ecosystem Management Plan(1996) and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of NEPA. It is my decision to approve the action as proposed with the following stipulations/mitigation measures

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is made, your notice of appeal must be filed at the Kingman Field Office 2755 Mission Blvd Kingman, AZ 86401, within 30 days from receipt of this decision. The appellant has the burden of showing how they are harmed and how the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993)) (request) for a stay (suspension) of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Ruben Sanchez

Ruben Sanchez
Kingman field Office Manager

03/24/2014

3-24-2014

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND
APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

**1. NOTICE OF
APPEAL.....**

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... BUREAU OF LAND MANAGEMENT, KINGMAN FIELD OFFICE, 2755 MISSION BLVD., KINGMAN, AZ 86401

WITH COPY TO..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,
SOLICITOR SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

3. STATEMENT OF REASONS.....

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,
SOLICITOR SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

Attachment 3. Map of Black Mountain Herd Management Area and Flight lines.

